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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,678	03/16/2001	Anders Bertil Haglund	032559-093	9392
27045	7590	12/01/2004	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR C11 PLANO, TX 75024			YAO, KWANG BIN	
			ART UNIT	PAPER NUMBER
			2667	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/811,678	Applicant(s) HAGLUND, ANDERS BERTIL	
	Examiner Kwang B. Yao	Art Unit 2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/6/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to because there are no descriptive legends in Figs. 1, 3, 5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. Claims 6-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6, lines 2-3, “**said first buffer** of both said first and second process unit” lacks antecedent basis. (Emphasis added).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-15, 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Harrison et al. (US 6,091,709).

Harrison et al. discloses a communication system comprising the following features:
regarding claim 1, a process unit (Fig. 1, routers 3), comprising: a real data generator (Fig. 2, Packet Prioritizer 12); a buffer (Fig. 2, Queue 10), arranged to store real data generated by said real data generator (Fig. 2, Packet Prioritizer 12); a connection for transmitting data from said buffer (Fig. 2, Queue 10); a queue length monitor (Fig. 5, Box 50, 53, 56), monitoring the queue length in said buffer (Fig. 2, Queue 10); and a dummy load generator (Fig. 5, Box 58), arranged to store dummy data in said buffer (Fig. 2, Queue 10) at a dummy data rate being regulated based

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on said monitored queue length (Fig. 5, Box 50, 53, 56); whereby said real data generator (Fig. 2, Packet Prioritizer 12) is regulated based on said monitored queue length (Fig. 5, Box 50, 53, 56); regarding claim 2, wherein a maximum value of said dummy data rate is determined based on at least one of: the regulation response time (Figs. 7, 8, 9, Forwarding Delay) of said real data generator (Fig. 2, Packet Prioritizer 12), and the generation rate of said real data; regarding claim 3, at least one process unit (Fig. 1, routers 3) having a real data generator (Fig. 2, Packet Prioritizer 12), a first buffer (Fig. 2, Queue 10) arranged to store real data generated by said real data generator (Fig. 2, Packet Prioritizer 12), a queue length monitor (Fig. 5, Box 50, 53, 56) monitoring the queue length in said first buffer (Fig. 2, Queue 10), and a dummy load generator (Fig. 5, Box 58) arranged to store dummy data in said first buffer (Fig. 2, Queue 10) at a dummy data rate being regulated based on said monitored queue length (Fig. 5, Box 50, 53, 56), whereby said real data generator (Fig. 2, Packet Prioritizer 12) is regulated based on said monitored queue length (Fig. 5, Box 50, 53, 56); a transmitter (Fig. 2, Prioritized packet forwarder 13) connected to said first buffer (Fig. 2, Queue 10); a link over which data from said first buffer (Fig. 2, Queue 10) is transmitted by said transmitter (Fig. 2, Prioritized packet forwarder 13); and a receiver (Fig. 1, Router 3) receiving said data from said transmitter, said receiver being arranged to discard (column 9, lines 63-64) received dummy data; regarding claim 4, wherein a maximum value of said dummy data rate is determined (column 9, lines 53-56) based on at least one of: the regulation response time of said real data generator (Fig. 2, Packet Prioritizer 12), and the generation rate of said real data; regarding claim 5, a second buffer (Fig. 2, Queue 10) arranged between said real data generator (Fig. 2, Packet Prioritizer 12) and said first buffer (Fig. 2, Queue 10) to store only real data, for detection of said generation rate of said real data; regarding claim

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6, having at least a first and a second process unit (Fig. 1, routers 3), wherein said transmitter (Fig. 1, router 3) is connected to said first buffer (Fig. 2, Queue 10) of both said first and said second process unit (Fig. 1, routers 3), whereby said link transmits data from both of said process units (Fig. 1, routers 3); regarding claim 7, wherein the dummy data rate of said first process unit (Fig. 1, routers 3) is different from (column 9, lines 53-56) the dummy data rate of said second process unit (Fig. 1, routers 3); regarding claim 8, communication means between said first process unit (Fig. 1, routers 3) and said second process unit (Fig. 1, routers 3) for exchange of regulation information; regarding claim 9, wherein at least one of the dummy load generators (Fig. 5, Box 58) comprises means for regulating the maximum value of said dummy data rate based on said regulation information (column 9, lines 53-56); regarding claim 10, generating real data, storing said real data in a first buffer (Fig. 2, Queue 10), generating dummy data, storing said dummy data in said first buffer (Fig. 2, Queue 10) at a dummy data rate, transmitting data from said first buffer (Fig. 2, Queue 10), monitoring the queue length in said first buffer (Fig. 2, Queue 10), regulating the speed of the real data generation based on said monitored queue length (Fig. 5, Box 50, 53, 56), and regulating said dummy data rate (column 9, lines 53-56) based on said monitored queue length (Fig. 5, Box 50, 53, 56); regarding claim 11, the step of determining a maximum value of said dummy data rate (column 9, lines 53-56) based on at least one of: the regulation response time of said real data (Figs. 7, 8, 9, Forwarding Delay), and the generation rate of said real data; regarding claim 12, wherein said step of regulating of said dummy data rate comprises the step of reducing the dummy data rate; regarding claim 13, wherein said step of regulating of said dummy data rate comprises the step of stopping said dummy data storing (Fig. 5, End 49); regarding claim 14, at least two process units (Fig. 1, routers 3) sharing a common

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link, further comprising the step of communicating regulation information between dummy load generators (Fig. 5, Box 58), whereby at least a part of said regulation information being selected from the list of: information about dummy data rates, information about generation rates of real data information about any degree of regulation of the real data generation, information about queue lengths, and information about queue length growth rates (Fig. 5, Box 50, 53, 56); regarding claim 15, the step of regulating said maximum dummy data rate of at least one of said dummy load generators (Fig. 5, Box 58) based on said regulation information (Fig. 5, Box 50, 53, 56); regarding claim 17, the step of measuring the generation rate of real data by storing said real data in a second buffer (Fig. 2, Queue 10), prior to the storage in said first buffer (Fig. 2, Queue 10); regarding claim 18, wherein the process unit (Fig. 1, routers 3) is included in a data communication or telecommunication system (Fig. 1); regarding claim 19, wherein the process unit (Fig. 1, routers 3) is included in a data communication or telecommunication system (Fig. 1); regarding claim 20, wherein the method is performed in a data communication or telecommunication system (Fig. 1). See column 5-11.

Allowable Subject Matter

6. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

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7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ballard, III et al. (US 6,775,550) discloses an upstream transceiver.

Takada et al. (US 6,393,532) discloses a data insertion control technique.

Morikawa et al. (US 6,061,354) discloses a concrete circuit configuration.

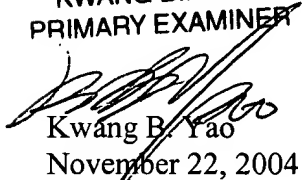
Lee (US 5,606,362) discloses a variable rate audio information transmitting apparatus.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwang B. Yao whose telephone number is 571-272-3182. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KWANG BIN YAO
PRIMARY EXAMINER


Kwang B. Yao
November 22, 2004